

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH BUTTERCASE,

Defendant.

**8:12CR425**

**ORDER**

This matter is before the Court on defendant's motion for return of property, [Filing No. 112](#); motion to appoint counsel, [Filing No. 113](#); motion for a hearing, [Filing No. 114](#); and motion to expedite, [Filing No. 115](#). Defendant pled guilty to Count I of an Information on March 25, 2019. Filing No. 95. Defendant pled to transferring obscene videos and materials in interstate commerce, for the purpose of distributing the images in violation of 18 U.S. C. § 1465. Filing Nos. 98 and 99. The Court entered judgment and defendant was committed to a term of imprisonment of 36 months on June 24, 2016. [Filing No. 108](#).

[Filing No. 112](#)

Defendant moves this Court to return his seized property pursuant Fed. R. Crim.

P. 41(g). Defendant requests the return of:

- a. SpeedTech 500 GB External Hard Drive and cords;
- b. E-Machine PC Tower and cords, SN# GRY5A20017309;
- c. SanDisk media card;
- d. Lexar 128 MB media card; and,
- e. Seventy-seven (77) homemade compact discs (from upstairs and living room).

Defendant also requests that the court order the deletion of all original files alleged by the government to be illegal. See [Filing No. 112](#), Ex. A.

*Filing No. 113, Filing No. 114, Filing No. 115*

Defendant asks the Court to appoint counsel to represent him in his motion for return of property. Defendant also requests that the Court permit a telephonic hearing on the issue of return of property. Finally, defendant requests a motion for expedited consideration of this matter.

At this time, the Court will order the government to respond to [Filing No. 112](#) as set forth herein. At this time, the Court will not appoint counsel, will not hold a telephonic hearing, and will not further expedite this matter. If that decision changes following the response of the government, the Court will so notify the parties.

THEREFORE, IT IS ORDERED THAT:

1. The government shall to respond to [Filing No. 112](#) as set forth herein, and the government shall do so within 14 days of the date of this order.
2. Filing Nos. 1113, 114, and 115 are denied at this time, subject to change as the Court sees fit.

Dated this 3rd day of October, 2019.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge